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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,056	07/24/2006	Matthew Richard alex Nye-Hingston	P71243US0	9929

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EXAMINER	
GALL, LLOYD A	

ART UNIT	PAPER NUMBER
3673	

MAIL DATE	DELIVERY MODE
01/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/577,056	NYE-HINGSTON ET AL.	
	Examiner	Art Unit	
	Lloyd A. Gall	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5,7-9 and 11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5,7-9 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 July 2006 and 24 April 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 5, 7-9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 8, as seen in figs. 4 and 6, it is not clear in what sense the switches 11 are "between" the power source and the respective locking mechanism. In claim 1, line 18, "connected" to what, is being referred to? In claim 1, line 18, it is not clear in what sense the switches 11 are bypassed. In claim 1, line 19, as seen in figs. 4 and 6, it is not clear in what sense each locking mechanism is directly connected to the power source. In claim 7, lines 3-4 and claim 8, line 2, and as seen in fig. 6, even without the switch 600, aren't each of the locking mechanisms connected to the power source?

In view of the above claim rejections, the claims are rejected as best understood, on prior art, as follows.

Claims 1, 3, 5, 7-9 and 11 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-15, 21-23, 28 and 33-41 of U.S. Patent No. 7,445,255 in view of Butt (263). Claims 11-15, 21-23, 28 and 33-38 of USPN 7,445,255 teach all of the limitations of claims 1, 3, 5, 7-9 and 11 except for the override/master control connections and override/master control switch. Butt teaches in column 5, lines 22, 40, plural locking mechanisms associated with plural

doors may be selectively wired such that a master override control switch 70 may be connected with and used to unlock multiple (or all) doors at once, or each individual door may be actuated by a user by a switch 71, 72 such that only specific doors may be unlocked. It would have been obvious to provide an override/master control switch and connection with the locking mechanisms of USPN 7,445,255, in view of the teaching of Butt, to allow all doors to be actuated at once if desired, as is well known in the lock art, to provide expected results.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5, 7, 9 and 11 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson, Jr. et al (106) in view of Hosmer (899) and Butt (263).

It is first noted that throughout the claims, cabinets, cupboards and drawers are not being positively claimed, rather, a locking system which is capable of being used with such. It is further noted that use of such claimed system by a child is of no patentable significance, and the prior art locking systems of the applied references are capable of use by a child. Williamson teaches a plurality of solenoid locks and latch bolt plungers to engage and lock a plurality of strikers of cabinet doors, wherein as set forth in the Abstract and column 4, line 1, a wireless remote transmitter actuator may actuate the solenoids through a partially concealed switch. The system also includes a battery. Hosmer teaches a partially concealed reed switch 27 may be actuated by proximity of a magnet 35, wherein the lock is returned by the spring 18a to a locked condition after unlocking actuation of the lock. Butt teaches in column 5, lines 22, 40, plural locking mechanisms associated with plural doors may be selectively wired such that a master override control switch 70 may be used to unlock multiple (or all) doors at once, or each individual door may be actuated by a user by a switch 71, 72 such that only specific doors may be unlocked. It would have been obvious to modify the locking system of

Williamson such that a remote (magnet) may be used to actuate a switch, in view of the teaching of Hosmer, wherein the lock returns to a locking condition after being unlocked, in view of the teaching of Hosmer, to provide expected unlocking results. It would have been obvious to modify the remote actuated locking system of Williamson as modified by Hosmer, such that a master override control switch may be used to actuate all locks, or individual doors of one's choice may be unlocked, in view of the teaching 70, 71, 72 of Butt, to allow all doors to be actuated at once if desired, as is well known in the lock art.

Claim 8 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson, Jr. et al in view of Hosmer and Butt as applied to claim 7 above, and further in view of Hughes (574).

In column 1, lines 27-29, Hughes teaches that it is well known to utilize a switch for a predetermined period of time. It would have been obvious to actuate the switch of Williamson as modified by Hosmer to be operable for a predetermined period of time, in view of the teaching of Hughes, to optimize its security.

Applicant's arguments filed October 30, 2008 have been fully considered but they are not persuasive. In response to applicant's remarks in the last two paragraphs of page 5 of the REMARKS, it is resubmitted that Butts teaches a master control switch 70 which is used with whatever doors and locks are chosen (see "respective doors" in column 5, line 23). Whatever doors and locks are chosen, such would inherently be connected to the master control switch 70, and these locks would inherently include (an override) connection with the master control switch. This master control switch is also

intended to be used instead of each individual switch 71, 72 at each door, as disclosed in column 5, lines 19-40). As disclosed in column 5, lines 53-54 and 57-59, the master control switch is electrically used to actuate whatever doors/locks are chosen. Thus all locks of one's choice may be connected to the master control switch. This is also disclosed in column 6, lines 21-23, at "Should a plurality of cells be involved". Accordingly, Butts teaches a master control switch 70 which may be electrically connected to any and all locks, which master control switch 70 is intended to bypass the individual switches 71, 72 at each door. Each lock at each door may be connected to the master control switch, with a master/override connection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/
Primary Examiner, Art Unit 3673

/L. A. G./
Primary Examiner, Art Unit 3673
January 10, 2009